



DNK-1998-055-PA-DIV2:JBM:141993

Atty. Dkt. 4002-2533

#77

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Branch et al.) Examiner
Serial No. 09/870,023)
Filed 5/30/01) Group Art Unit
INTERBODY FUSION GRAFTS) 3731
AND INSTRUMENTATION) September 14, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on September 14, 2001.

James B. Myers, Jr.
Name of Registered Representative
James B. Myers Jr.
Signature
September 14, 2001
Date of Signature

SUBMISSION OF MISSING PARTS OF APPLICATION
UNDER 37 CFR 1.53(b)

Hon. Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts dated June 14, 2001, please consider the following. Additionally, please provide a 1 month Extension of Time which may be necessary and charge any fees which may be due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of any issue fees that are or become due.

Pursuant to the Notice to File Missing Parts of Application received for the above application, Applicants submit herewith a Declaration and Power of Attorney signed by all inventors. Enclosed is a check for \$130.00 to cover the fee under 37 C.F.R. §1.16(e) for filing a declaration later than the filing date.

Respectfully submitted,

09/19/2001 MBERNE 00000093 09870023
01 FC:105 130.00 OP

By: *James B. Myers Jr.*
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**FEE TRANSMITTAL
FOR FY 2001**

SEP 17 2001 Patent fees are subject to annual revision.

Complete if Known

Application Number **09/870,023**

Filing Date **May 30, 2001**

First Named Inventor **Branch et al.**

Group Art Unit **3731**

Examiner Name **Unknown**

Attorney Docket Number **4002-2533**

Total Amount of Payment **(\$ 240.00)****METHOD OF PAYMENT**1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:Deposit
Account
Number**23-3030**Deposit
Account Name**Woodard, Emhardt, Naughton, Moriarty & McNett**☒ Charge any Additional Fee Required
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status.
See 37 CFR 1.27.2. ☒ **Payment Enclosed:**☒ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility Filing Fee	
106	320	206	160	Design Filing Fee	
107	490	207	245	Plant Filing Fee	
108	710	208	355	Reissue Filing Fee	
114	150	214	75	Provisional Filing Fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
-20** =	X		
Independent Claims -3** =	X		
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	\$130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	\$110.00
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Return Postcard

Other Fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 240.00)**SUBMITTED BY**

Name (Print/Type)

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Signature

Date

September 14, 2001

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Assistant Commissioner for Patents, Washington, DC 202031.